

REMARKS

Office Action Summary

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-6 and 12-23 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior arts (APA) by Koza et al. (US 5,867,397, hereinafter "Koza") and in view of another APA (Ullman, J.R) as set forth in the previous office action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Status of Claims:

Claims 1-6 and 13-23 are pending. Claim 12 has been cancelled. Claims 1, 22, 23 have been amended. No new matter has been added. No new matter has been added.

Specification Objection

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, in particular Claim 12. To advance prosecution, Applicant has cancelled Claim 12. Thus, Applicant respectfully requests that the present objection to the Specification be withdrawn.

Claim Objections

Claims 1, 22-23 are objected to because of minor informalities. Pursuant to the Office Action's suggestions, Applicant has amended claims 1, 22, 23 to replace "each iterative genetic programming operation including" with "each iteration including".

Applicant has further amended Claims 1, 22, 23 to be consistent with the previous amendment. Thus, Applicant respectfully requests that the present objection to the Claims be withdrawn.

Rejection under 35 USC §101 – claim 23

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Accordingly, claim 23 has been amended to claim “a computer-readable storage medium” which is directed to a statutory subject matter.

Thus, Applicant respectfully requests that the present rejection to claim 23 be withdrawn.

Rejection under 35 USC §112, first paragraph – claim 12

Claim 12 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claim 12 has been canceled. This rejection is now moot.

Rejection under 35 USC §103(a) – claims 1-6 and 12-23

Claims 1-6, 13-23 stand rejected under 35 USC §103(a) as being allegedly unpatentable over applicants’ admitted prior arts (APA) by Koza et al. (US 5,867,397) in view of another APA (Ullman, J.R) as set forth in the previous office action.

Applicant respectfully submits that the proposed combination of Koza ‘397 and Ullman does not teach or suggest all of the claim limitations of claims 1-6, 13-23. In particular, neither Koza ‘397 nor Ullman disclose “performing iterative genetic programming operations that avoid at least one characteristic in the reference structure” as recited in the claims.

As stated in the background section of the present application, “previous uses of these techniques have not addressed the issue of actively avoiding the creation of an entity that possesses the key characteristics of preexisting technology. In other words, previous efforts have not focused on an automated design process that produces designs that avoid known prior art.” Page 13, lines 16-20. Furthermore, the prior art does “not address the problem of automatically creating novel structures that meet design requirements and that do not possess key characteristics of preexisting technology.” Page 17, lines 2-3. Similarly, “the previously cited efforts for the automatic synthesis of antennas did not address the problem of automatically creating antennas that satisfy the

basic technical design requirements of the antenna and that simultaneously avoid the key characteristics of the preexisting antenna technology.” Page 20, lines 16-19.

Thus, Applicant respectfully submits that claims 1-6, 13-23 recite novel subject matter which distinguishes over any possible combination of Koza ‘397 and Ullman.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the cited reference. Therefore, Applicants submit that this application is now in condition for allowance.

Extension of Time

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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